

**From:** [Chip Humphrey](#)  
**To:** [James McKenna](#); [Bob Wyatt](#); [Jennifer Woronets](#)  
**Cc:** [Kristine Koch](#)  
**Subject:** Proposed resolutions - LWG responses to EPA comments on FS Tools  
**Date:** 06/20/2011 05:02 PM  
**Attachments:** [June 22 FS Key Elements Meeting Objectives and Information.pdf](#)  
[Background & Other Information for FS Check-in.pdf](#)

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Jim & Bob,

EPA has reviewed the LWG's June 10, 2011 email and June 9, 2011 table that provided the LWG's responses to EPA comments on the FS Tools memos and the proposed resolution of the comments. We agree that the Proposed Resolution column reflect the resolutions we agreed to during our conference calls on May 26 and 27 with the following notations:

Comment # 5 Mitigation Determination Approach: EPA agrees with the proposed resolution. The LWG acknowledges that there are no currently applicable mitigation banks or in-lieu fee programs that can be used to develop cost estimates. It is EPA's understanding that in-kind mitigation estimates will be based on local mitigation projects and out-of-kind will be based on examples from the Columbia River Basin or Puget Sound areas.

Comment # 11 EPA agrees with the proposed resolution with the clarification that the services will determine whether and what type of conservation measures are triggered by MNR remedies, and EPA will establish the appropriate requirements under our authority.

Comment # 19 EPA agrees with the first and last two sentences of the LWG's response, and notes the LWG's opinion as expressed in the rest of the response; but it is not relevant to costing approach for the draft FS.

Comment # 5 Costing Approach Memo - General - EPA generally agrees with the LWG's description of resolution with the understanding that the LWG's approach will be consistent with EPA guidance.

Comment # 6 Costing Approach Memo, Indirect construction - EPA generally agrees with the LWG's resolution with the understanding that the LWG's approach will be consistent with EPA guidance.

Comment #13 Costing Approach Memo, Capping - EPA's recollection is consistent with the LWG's description with one exception - the LWG would provide estimated costs (relative cost factors) for such monitoring similar to the resolution described in Comment #8 on MNR.

Please revise the June 9, 2011 table to incorporate the resolutions and submit the revised table to EPA. EPA expects that the LWG will address EPA's comments, including the proposed resolutions, in the draft FS or as otherwise indicated in the tables.

thanks,

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Jim & Bob

This is to follow-up on our recent discussion at the Project Manager's meeting. EPA's proposed meeting objectives and information that should be provided prior to the June 22, 2011 FS Key Elements check-in meeting are attached. Also attached is some background and perspective on the process and additional information that our technical staff, consultants and partners have initially identified as critical to our understanding of the details of the alternatives screening and evaluations. This information is being provided as a starting point in planning the meeting, and to help frame our discussions as we finalize the agenda.

We look forward to working with the LWG to ensure that the meeting is productive and consistent with these objectives. Please let us know if you have any questions.

Chip

